

REMARKS

Claims 1 through 28 were presented for examination and rejected.

The applicants respectfully traverses the rejections and requests reconsideration in light of the following comments.

35 U.S.C. 103 Rejection of Claims 1-4, 6-7, 10-13, 15-16, 20-23, and 25-26

Claims 1-4, 6-7, 10-13, 15-16, 20-23, and 25-26 were rejected under 35 U.S.C. 103(a) as being unpatentable over R. Rotstein et al., U.S. Patent Application Publication 2004/0057507 A1 (hereinafter "Rotstein") in view of B.H. Chen et al., U.S. Patent 6,658,258 (hereinafter "Chen"). The applicants respectfully traverse the rejection.

Claim 1 recites:

1. A method comprising:

deducing a signal strength of a first signal, R_D , at a wireless terminal based on a transmit strength of a second signal, T_U , that is transmitted by said wireless terminal; and

estimating the location of said wireless terminal based on said signal strength of said first signal, R_D .

(emphasis supplied)

Neither Rotstein nor Chen teach or suggest, alone or in combination with the other references, what claim 1 recites – namely **deducing a signal strength of a signal at a wireless terminal**. The Office's reading of Rotstein is incorrect for several reasons.

First, Rotstein does not teach deducing a signal strength of a signal. Instead, Rotstein teaches deducing a path loss of a signal. This is stated in paragraph [0017], which recites:

[0017] The MS 104 receives the message 300 at a given power 206, which may be different than the transmit power level 202 used by the AP 102 to transmit the message 300 over the communication link 106. . . . Based on the transmit power level 202 used by the AP 102, the receive power level 206, the interference level perceived by the AP 102, and the interference level 208 perceived locally by the MS 104, **the MS 104 deduces the "link path loss"** and calculates at least one optimal transmission parameter

(emphasis supplied)

Furthermore, Figure 4 states in the box "MS DEDUCES THE "LINK PATH LOSS."

Second, Rotstein teaches **the direct empirical measurement** of the signal strength of the signal at the wireless terminal with the use of power meter 518. This is, of course, completely opposite to the deduction of the signal strength. This is stated also in paragraph [0024], which recites:

[0024] Once the **power meter 518 has estimated the receive power 206 as perceived by the MS 104**, the estimated receive power 206 is stored into a third storage medium 520 if the MS 104 receives a message (such as message 300) that contains the transmit power 202 used by the AP 102 to transmit message(s) and the interference level 204 as perceived locally by the AP 102.
(emphasis supplied)

And because the **deduction and not direct measurement** of the signal strength of the signal at the wireless terminal is the essence of the present invention, Rotstein can only be considered to teach away from the present invention.

For these reasons, the applicants respectfully submit that the rejection is traversed.

Because claims 2-4, and 6-7 depend on claim 1, the applicants respectfully submit that the rejection of them is also traversed.

Independent Claim 10 recites:

10. (original) A method comprising:
deducing a signal strength of a first signal, R_p , at a wireless terminal based on a signal-strength measurement of a second signal, R_u , at the location where said first signal is transmitted; and
estimating the location of said wireless terminal based on said signal strength of said first signal, R_p .
(emphasis supplied)

Because claim 10 also recites deducing a signal strength of a signal at a wireless terminal, the applicants respectfully submit that the rejection of claim 10 is also traversed.

Because claims 11-13 and 15-16 depend on claim 10, the applicants respectfully submit that the rejection of them is also traversed.

Independent Claim 20 recites:

20. (original) A method comprising:
deducing a signal strength of a first signal, R_p , at a wireless terminal based on an attenuation of a second signal, A_u , that is transmitted by said wireless terminal; and

estimating the location of said wireless terminal based on said signal strength of said first signal, R_D .
(*emphasis supplied*)

Because claim 20 also recites deducing a signal strength of a signal at a wireless terminal, the applicants respectfully submit that the rejection of claim 20 is also traversed.

Because claims 21-23 and 25-26 depend on claim 20, the applicants respectfully submit that the rejection of them is also traversed.

35 U.S.C. 103 Rejection of Claims 5, 14, 19, and 24

Claims 5, 14, 19, and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over R. Rotstein et al., U.S. Patent Application Publication 2004/0057507 A1 (hereinafter "Rotstein") in view of D. Dupray, U.S. Patent 6,249,252 (hereinafter "Dupray"). The applicants respectfully traverse the rejection.

Because claim 5 depends on claim 1 and because Dupray fails to cure the deficiencies of Rotstein with respect to claim 1, the applicants respectfully submit that the rejection of claim 5 is traversed.

Because claim 14 depends on claim 10 and because Dupray fails to cure the deficiencies of Rotstein with respect to claim 10, the applicants respectfully submit that the rejection of claim 14 is traversed.

Because claim 19 depends on claim 10 and because Dupray fails to cure the deficiencies of Rotstein with respect to claim 10, the applicants respectfully submit that the rejection of claim 19 is traversed.

Because claim 24 depends on claim 20 and because Dupray fails to cure the deficiencies of Rotstein with respect to claim 20, the applicants respectfully submit that the rejection of claim 24 is traversed.

35 U.S.C. 103 Rejection of Claims 8, 17, and 27

Claims 8, 17, and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over R. Rotstein et al., U.S. Patent Application Publication 2004/0057507 A1 (hereinafter "Rotstein") in view of Okanoué et al. U.S. Patent Application Publication 2003/0064733 A1 (hereinafter "Okanoué"). The applicants respectfully traverse the rejection.

Because claim 8 depends on claim 1 and because Okanou fails to cure the deficiencies of Rotstein with respect to claim 1, the applicants respectfully submit that the rejection of claim 8 is traversed.

Because claim 17 depends on claim 10 and because Okanou fails to cure the deficiencies of Rotstein with respect to claim 10, the applicants respectfully submit that the rejection of claim 17 is traversed.

Because claim 27 depends on claim 20 and because Okanou fails to cure the deficiencies of Rotstein with respect to claim 20, the applicants respectfully submit that the rejection of claim 27 is traversed.

Request for Reconsideration Pursuant to 37 C.F.R. 1.111

Having responded to each and every ground for objection and rejection in the Office action mailed 9 April 2007, applicants request reconsideration of the instant application pursuant to 37 CFR 1.111 and request that the Examiner allow all of the pending claims and pass the application to issue.

Should there remain unresolved issues the applicant respectfully requests that Examiner telephone the applicants' attorney at 732-578-0103 x11 so that those issues can be resolved as quickly as possible.

Respectfully,
David Stevenson Spain Jr.

By **/Jason Paul DeMont/**
Jason Paul DeMont
Reg. No. 35793
Attorney for Applicants
732-578-0103 x11

DeMont & Breyer, L.L.C.
Suite 250
100 Commons Way
Holmdel, NJ 07733
United States of America